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C O N F I D E N T I A L SECTION 01 OF 02 TASHKENT 000915

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DEPARTMENT FOR DRL RACHEL WALDSTEIN
AMEMBASSY HELSINKI PASS TO AMCONSUL ST PETERSBURG
AMEMBASSY MOSCOW PASS TO AMCONSUL VLADIVOSTOK
AMEMBASSY MOSCOW PASS TO AMCONSUL YEKATERINBURG
AMEMBASSY BELGRADE PASS TO AMEMBASSY PODGORICA
AMEMBASSY ATHENS PASS TO AMCONSUL THESSALONIKI

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SUBJECT: UZBEKISTAN: UPDATE ON TRIAL OF JOURNALIST DILMUROD SAYYIDOV

REF: TASHKENT 217

CLASSIFIED BY: Timothy P. Buckley, Second Secretary, Department of State, Political and Economic Section; REASON: 1.4(B), (D)

¶1. (C) Summary: On June 1, the trial of journalist and Ezgulik member Dilmurod Sayyidov commenced near Samarkand. Ezgulik activist Abdurakhmon Tashanov, who is monitoring the trial, reported that there is some cause for "cautious optimism" after a motion was approved to include discussion of a pending criminal case against the accuser and alleged victim of blackmailing, Asliddin Urinbaev. Meanwhile, Sayyidov's wife told poloff that her husband is still suffering from tuberculosis but that he is being well-treated at a new place of interim incarceration in Payluk, just to the south of Samarkand. Our view is that this case may be motivated by revenge in a local feud rather than a concerted effort from the national government to silence Sayyidov. We will continue to follow this case closely and, while it seems weak, it is rare for defendants to be acquitted. End summary.

A Key Motion Approved

¶2. (C) Tashanov told poloff on June 1 that two motions were introduced during the first day of Sayyidov's trial in the Taylak Region of Samarkand Province. First, a motion was introduced to include discussion about a pending criminal case against his accuser, Urinbaev. Apparently, Sayyidov published articles standing up for local farmers that incriminated Urinbaev, who in his capacity as the head of a farm allegedly stole machinery, improperly used state-owned land for personal gain, and cheated farmers out of their profits. Based in part on the investigative journalism that Sayyidov conducted on the farmers' behalf, a criminal case was filed against Urinbaev and is now pending. Tashanov noted that "this start to the trial gives us hope" since the judge's decision to allow discussion of Urinbaev's case - over prosecutor Dilmurod Saidkulov's objections - could undermine the accuser's credibility and establish that he had a strong motive for revenge in making accusations against Sayyidov. The second motion to allow videotaping of the proceedings was denied, which did not seem to surprise or disappoint Tashanov.

13. (C) Tashanov also informed poloff that the accuser, Urinbaev, allegedly passed USD 15,000 to a certain Marguba Juraeva, who was arrested with the money. Urinbaev maintained he was blackmailed by the journalist Sayyidov, who demanded this sum to back down and stop digging up dirt. Since Juraeva was in possession of the money, and not Sayyidov, it seems the accusation against him for blackmailing is difficult to substantiate. Juraeva also, at least initially, admitted to investigators that Sayyidov was not connected to the money in question. Nonetheless, the court proceeded with the arrest warrant against Sayyidov, a decision which Tashanov said was reviewed and upheld by the appellate panel of the court. Tashanov also added in an e-mail to poloff on June 1 that testimony by the manager of a taxi stand which supports the accuser is not credible.

New Place of Detention

14. (C) Poloff also spoke to Sayyidov's wife, Barno Jumanova, on June 1 to ask for her impression of the opening stage of the trial. She said her husband was in a relatively good mood, as "he is absolutely innocent" and eager for the opportunity to clear his name and be released. The proceedings lasted only about 45 minutes, she said, and she was pleased by the judge's apparent objectivity in approving the key motion. Jumanova noted that her

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husband has suffered from tuberculosis for four years and she is "very concerned" about his increasing symptoms and lack of access to proper care while incarcerated. She said Sayyidov is no longer in Kattakurgan but has been transferred for the duration of the trial to a police station in Payluk, south of Samarkand and close to the trial site. She is satisfied that the police are treating her husband well enough and added that "some officers were even familiar with his writings and work and have been very respectful."

Attorney to Lose License

15. (C) Sayyidov is being represented in court by Rukhiddin Komilov, who is a USG program alumni and a prominent defender of human rights activists. On May 19, an article in Ferghana.ru reported that he, along with another attorney who has defended activists on trial, Rustam Tulyaganov, failed the new mandatory bar exam established by the Government of Uzbekistan. Poloff confirmed this in a June 4 meeting with Komilov, who is presently appealing the decision but believes he has "zero chance" he will be reinstated or offered a retest. He expects a decision by July 1, after which time he will technically not be allowed to act as Sayyidov's counsel because he will lack a license; however, new rules prohibiting non-accredited lawyers from participating in courtroom proceedings will be introduced gradually, and both Komilov and our LES Legal Analyst believe he will be able to see Sayyidov's case to completion. The next hearing will be June 4, which is a surprisingly quick pace for a trial here, but Komilov predicted "it will go on for a long time." He was also less optimistic than Tashanov that the accepted motion to introduce material about the accuser will have a significant impact on the trial.

Comment:

¶6. (C) The case against Sayyidov for extortion appears weak, with shaky evidence and an accuser - himself in legal trouble - who may have a vested interest in seeking revenge. We believe that this case is rooted in local feuding rather than a concerted effort by authorities in Tashkent to frame Sayyidov or punish him for his writing, especially since he seemed to focus on local farmers' grievances against a possibly corrupt farm manager rather than attack the regime. If the accuser Urinbaev was particularly well-connected he would not be facing charges himself, although we do not know whether he is in a pre-trial detention like Sayyidov. We will continue to watch this case carefully, but if history is a guide Sayyidov will probably be found guilty.

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